## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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MARK ALAN LINGENFELTER,

Plaintiff,

v.
CAROLYN COLVIN,
Acting Commissioner,
Social Security Administration.

Defendant.

Case No. 3:14-CV-0202-MMD (VPC)

ORDER

Before the court is plaintiff's application to proceed *in forma pauperis* (#1) filed on April 15, 2014.

## I. Application to Proceed In Forma Pauperis

Plaintiff filed this action and attached a financial affidavit to his application and complaint as required by 28 U.S.C. § 1915(a). In reviewing plaintiff's financial affidavit pursuant to 28 U.S.C. § 1915, the court finds that plaintiff unable to pre-pay the filing fee. Therefore, plaintiff's application to proceed *in forma pauperis* (#1) is **GRANTED**.

## II. Complaint

Plaintiff brings suit against Carolyn Colvin, Acting Commissioner of the Social Security Administration, alleging that he was wrongfully denied social security disability benefits. Federal courts only have jurisdiction to conduct judicial review of Social Security Administration's financial decision. See 42 U.S.C. § 405(g); see also Pacific Coast Medical Enterprises v. Harris, 633 F.2d 123, 137 (9<sup>th</sup> Cir. 1980). Upon initial review of plaintiff's complaint, it appears that plaintiff fully exhausted his administrative remedies with the Social Security Administration. The court will therefore allow plaintiff's complaint to proceed as a petition for judicial review of a final agency decision. Therefore,

IT IS ORDERED that plaintiff's application to proceed *in forma pauperis* (#1) is GRANTED with the caveat that the fees shall be paid if recovery is made. At this time, plaintiff shall not be required to pre-pay the full filing fee of four hundred dollars (\$400.00).

IT IS FURTHER ORDERED that the clerk of court shall FILE the complaint.

IT IS FURTHER ORDERED that the clerk of court shall SERVE the Commissioner of the Social Security Administration by sending a copy of the Summons and Complaint by certified mail to: (1) the General Counsel, Social Security Administration, Room 611, Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235; (2) the Attorney General of the United States, Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, DC 20530; and (3) Office of the Regional Chief Counsel, Region IX, Social Security Administration, 160 Spear Street, Suite 899, San Francisco, California 94105.

IT IS FURTHER ORDERED that the clerk of court shall ISSUE a summons to the Social Security Administration and deliver the summons and complaint to the U.S. Marshal for service on the U.S. Attorney's Office at 100 West Liberty Street, Suite 600, Reno, Nevada 89501.

IT IS FURTHER ORDERED that defendants shall have sixty (60) days from the date of service to file their answer or other responsive pleading to plaintiff's complaint in this case.

IT IS FURTHER ORDERED that henceforth, plaintiff shall serve upon defendant, or defendant's attorney, a copy of every pleading, motion, or other document submitted for consideration by the court. Plaintiff shall include with the original paper submitted for filing a certificate stating the date that a true and correct copy of the document was mailed to defendant or defendant's counsel. The court may disregard any paper received by a district judge, magistrate judge, or clerk which fails to include a certificate of service.

DATED: May 19, 2014.

VALERIE P. COOKE

UNITED STATES MAGISTRATE JUDGE